

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

vs.

DANIEL JACOB OCHOA,

Defendant.

Case No. CR-18-52-GF-BMM-JTJ

FINDINGS RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Possession of a Stolen Firearm in violation of 18 U.S.C. §922(j), as set forth in the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to Count II of the Indictment;
2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;
3. That the Defendant fully understands his constitutional rights, and the

extent to which he is waiving those rights by pleading guilty to Count II charged against him in the Indictment;

5. That his plea of guilty to Count II of the Indictment is knowingly and voluntarily entered, and is supported by an independent factual grounds sufficient to prove each of the essential elements of Count II in the Indictment charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Count II of the Indictment, and that sentence be imposed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 29th day of January, 2019.

A handwritten signature in black ink, appearing to read "John Johnston", written over a horizontal line.

John Johnston
United States Magistrate Judge